REMARKS

The present application has been reviewed in light of the Office Action dated October 4, 2007. A Request for Continued Examination (RCE) Transmittal was submitted herewith. Claims 57 and 59-65 are presented for examination, of which Claim 57 is the only claim in independent form. Claims 11-13, 15-19, 41-45, 58, and 68 have been canceled, without prejudice or disclaimer of the subject matter presented therein. Claims 1-10, 14, 20-40, and 46-56 were previously canceled. Claim 57 has been amended to define Applicant's invention more clearly, and Claims 59-65 have been amended purely for formal reasons not related to their patentability. Favorable consideration is requested.

The Office Action states that Claims 11-16, 18, 19, 41-45, 57-59, 62-65, and 68 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,075,905 (Herman et al.); and that Claims 17, 60, and 61 are rejected under § 103(a) as being unpatentable over Herman et al. in view of U.S. Patent No. 5,325,449 (Burt et al.). Cancellation of Claims 11-13, 15-19, 41-45, 58, and 68 renders their rejections moot. Applicant submits that independent Claim 57 together with the claims dependent therefrom are patentably distinct from Herman et al. for at least the following reasons.

Claim 57 is directed to an image processing system that includes an image processing apparatus and an image storage apparatus. The image processing apparatus combines material images to generate a mosaic image in imitation of an original image, and includes means for holding, division means, determination means, and first output means. The image storage apparatus includes storage means and second output means.

In the image processing apparatus, the means for holding holds scale-down images including color information of each of a plurality of material images. The scale-down images correspond respectively to the plurality of material images. The division means divides the original image into a plurality of blocks. The determination means determines selected material images and their positions such that the selected material images have color information similar to color information of respective blocks divided from the original image based on the color information of each of the plurality of material images and the color information of each of the plurality of blocks. The first output means outputs the positions of the selected material images determined by the determination means to the image storage apparatus.

In the image storage apparatus, the storage means stores the plurality of material images. The second output means outputs the selected material images determined by the determination means out of the plurality of material images stored in the storage means according to the positions of the selected material images determined by the determination means.

A notable feature of Claim 57 is that the claimed system generates a mosaic image in imitation of an original image using material images. For achieve this end, the division means divides the original image into a plurality of blocks, and the determination means determines selected material images and their positions, such that the selected material images have color information similar to the color information of respective blocks divided from the original image based on the color information of each of the plurality of material information and the color information of each of the plurality of blocks. By virtue of these elements, the material images and their positions are selected corresponding to blocks divided from the original image.

A benefit of the claimed system is that it reduces a processing load for generating a mosaic image in imitation of an original image. That is, by virtue of the means for holding, the determination means, and the first output means of the image processing apparatus, and the storing means and the second output means of the image storage apparatus, the processing load for generating a mosaic image is distributed to both apparatuses and thus, the load processed by each apparatus is reduced.

Herman et al. relates to an apparatus for generating a mosaic image. Apparently, Herman et al. teaches that a mosaic image may be generated by combining a plurality of source images. However, the mosaic image contemplated by Herman et al. is not an image in imitation of an original image, and therefore the functions performed by the apparatus differ from those of the system of Claim 57.

As shown in Fig. 3B, the mosaic image of Herman et al. is generated by combining correlating image pieces. According to Fig. 3B, the act of "correlating" means the image pieces partially overlap each other. Thus, the apparatus of Herman et al. generates an image showing pictured objects in wider range than each of the image pieces. Therefore, the "original image" of Claim 57 plays no role in the apparatus of Herman et al. Importantly, the meaning of "mosaic image" differs between Herman et al. and Claim 57. Accordingly, the division means and the determination means of Claim 57 are not used to generate a mosaic image in the apparatus of Herman et al., nor or those elements disclosed or suggested by Herman et al.

Further, Herman et al. fails to disclose or suggest other elements Claim 57.

Nothing has been found in Herman et al. that is believed to teach or suggest an image processing system that includes "an image processing apparatus, which combines material

images to generate a mosaic image in imitation of an original image," and "an image storage apparatus," wherein the image processing apparatus includes: "means for holding scale-down images including color information of each of a plurality of material images, wherein the scale-down images correspond respectively to the plurality of material images," and "division means for dividing the original image into a plurality of blocks," and "determination means for determining selected material images and their positions such that the selected material images have color information similar to color information of respective blocks divided from the original image based on the color information of each of the plurality of material images and the color information of each of the plurality of blocks," and "first output means for outputting the positions of the selected material images determined by the determination means to the image storage apparatus," and wherein the image storage apparatus includes "storage means for storing the plurality of material images," and "second output means for outputting the selected material images determined by the determination means out of the plurality of material images stored in the storage means according to the positions of the selected material images determined by the determination means," as recited in Claim 57.

Accordingly, Applicant submits that Claim 57 is not anticipated by Herman et al. and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e).

The other claims in the present application depend from Claim 57 and therefore are submitted to be patentable for at least the reasons discussed above. Because each dependent claim also is deemed to define an additional aspect of the invention, individual consideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable consideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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